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Remarks

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1-6, 9, 11-18, and 21-24 are amended and claims 25-27 are added. These amendments to the claims constitute a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., page 6, lines 10-16 and page 10, lines 8-10), drawings (e.g., FIGS. 1-6), and claims and thus, no new matter has been added. Claims 1-27 are pending.

Claim Rejections - 35 U.S.C. §102:

Claims 1-24 are rejected under 35 U.S.C. §102(e) as being anticipated by Czerwiec, et al. (U.S. Patent No. 6,314,102; "Czerwiec"). This rejection is respectfully, but most strenuously, traversed.

It is well-settled that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function. Since the applied reference is missing at least one element of each of applicants' independent claims, applicants respectfully submit that the claimed invention is not anticipated by the applied reference, as further discussed below.

Applicants respectfully submit that the applied reference, with or without combination, assuming, *arguendo*, that the combination of the applied reference is proper, does not teach or suggest one or more elements of the claimed invention, as further discussed below.

For explanatory purposes, applicants discuss herein one or more differences between the applied reference and the claimed invention with reference to one or more parts of the applied reference. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the applied reference correspond to the claimed invention.

Applicants respectfully submit that the applied reference does not teach or suggest one or more elements of the claimed invention. A careful reading of the applied reference fails to teach or suggest, for example a splitter unit that comprises a port that is electrically connected directly to a connector of a plain old telephone service ("POTS") interface circuit of a switch of a central office, wherein the splitter unit and the POTS interface circuit are operably located on a same shelf.

Czerwiec (Column 10, lines 54-60, Column 16, line 53, to Column 17, line 6, and FIGS. 2 and 8) discloses a splitter unit that is connected with CO and ATM switches:

A seen in FIG. 2, an ADSL data stream formatted as ATM cells are transported over the copper pair 36 formerly used for telephony only (POTS service) in an overlay fashion, through the use of highpass filters 38, 39 and lowpass filters 40, 42 at both the ADSL shelf to the left of a dash line 44 and the subscriber premises on the right side of the line 44.

FIG. 7D shows a splitter shelf for use in applications where the lowpass filters need to be remote from the ADSL shelf. Such a shelf can be used, for example, when (a) separate service providers are responsible for the telephony and ADSL services, or (b) in DLC (digital loop carrier) configurations where remote cabinets of DLC equipment cannot accommodate ADSL equipment (due to lack of physical space), but since the subscriber transmission pairs terminate in the DLC cabinet (and enough room is available for a small lowpass filter "splitter"), this shelf only is installed in the DLC cabinet.

In this case, the basic xDSL shelf is used, as previously shown, but with the LPF boards not populated. A separate "splitter" shelf, as shown in FIG. 7, is then provided and has a configuration the same as, or very much like, the top portion of the basic xDSL shelf 10 of FIG. 1. The main difference in remote splitter configurations is the cabling and the use of "stackable" connectors. The splitter shelf is shown in FIG. 7, and a typical configuration using splitter shelves is shown in FIG. 8. In an initial implementation, LPFs (and the splitter shelf) need no power, as all circuitry is passive.

Czerwiec discloses highpass and lowpass filters that are connected to CO and ATM switches. The highpass and lowpass filters are located on an ASDL shelf. FIG. 2 of Czerwiec clearly illustrates that the high pass and low pass filters and the CO switch are not located on the same shelf. Simply missing from Czerwiec is any mention of a splitter unit that comprises a port that is electrically connected directly to a connector of a POTS interface circuit of a switch of a central office, wherein the splitter unit and the POTS interface circuit are operably located on a same shelf.

So, Czerwiec fails to satisfy at least one of applicants' claim limitations.

Furthermore, the Office Action does not allege that the art of record provides any teaching, suggestion, or incentive for modifying Czerwiec to provide the claimed configuration. Applicants respectfully submit that these documents fail to provide the express teaching, suggestion, or incentive, and the claimed invention is thus patentable over the art of record.

For all the above reasons, the independent claims presented herewith are believed neither anticipated nor obvious over the art of the record. The dependent claims are believed allowable for the same reasons as the independent claims, as well as for their own additional characterizations

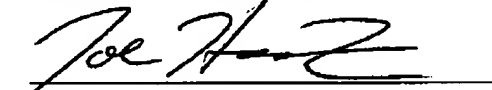
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Withdrawal of the §102 rejection is therefore respectfully requested.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney Robert J. Brill, Reg. No. 36,760, and applicants' undersigned agent.

Respectfully submitted,


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